IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITON NO.1398 OF 1992

Marvel Drugs Pvt. Ltd. ..Petitioner.

V/s.

Asstt. Collector of Customs & Ors. ..Respondents.

Mr.J.S.Motwani i/b. D.S.K. Legal for petitioner.

Mr.R.V.Desai,senior counsel with A.S.Rao for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 13TH JANUARY, 2005.

P.C. :-

1. Heard learned counsel for the petitioner and the respondents. Both counsel agree that the issue raised in the petition is covered by the Judgment of the Supreme Court in the case of **Pratibha Processors V/s. Union of India** reported in **1996 (88) E.L.T. 12 (S.C.)** and **Commissioner of Customs, Chennai V/s. Jayanthi Krishna & Co.** reported in **2000(119) E.L.T.4 (S.C.)**. Accordingly, Rule is made absolute in terms of prayer clause (c). However, there will be no order of costs.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)